

**UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD**

IN THE MATTER OF	)
	)
RENZENBERGER, INC.,	)
Employer	)
	)
and	)
	)
UNITED ELECTRICAL, RADIO AND	)
MACHINE WORKERS OF AMERICA (UE),	)
LOCAL 1177	)
Petitioner	)
	)
and	)
	)
TRUCK DRIVERS, CHAUFFEURS,	)
WAREHOUSEMEN & HELPERS UNION,	)
LOCAL 707	)
Intervener	)
	)

Case No: 13-RC-145377

**EXCEPTIONS ON BEHALF OF PETITIONER UNITED ELECTRICAL, RADIO AND  
MACHINE WORKERS OF AMERICA (UE), LOCAL 1177 TO THE HEARING  
OFFICER'S REPORT AND RECOMMENDATIONS ON CHALLENGED BALLOTS**

June 17, 2015

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Petitioner United Electrical, Radio and Machine Workers of America (UE), Local 1177 (hereinafter “the Union”), pursuant to Section 102.69 of the Board’s Rules and Regulations, hereby files its Exceptions to the Report and Recommendations on Challenged Ballots of Hearing Officer Jay B. Greenhill (hereinafter “Hearing Officer”), which issued in the above-captioned matter on June 3, 2015. Specifically, the Union objects to the Hearing Officer’s Report and Recommendations on Challenged Ballots as follows:

	<u>Location in the Record</u>	<u>Exception</u>
1.	HOR, pg. 13-14 <sup>1</sup>	The Hearing Officer erred in relying upon community of interest principles to find that Samuel Washington should be included in the stipulated unit rather than following the rule laid out in <i>Bell Convalescent Hospital</i> , 337 NLRB 191 (2001), which states that where a stipulated unit description clearly and unambiguously includes a list of job classifications and excludes “all other employees,” classifications not specifically listed are excluded.
2.	HOR, pg. 14	The Hearing Officer erred in recommending that Petitioner’s challenge to the ballot of Samuel Washington be overruled because Mr. Washington’s job classification of “relief dispatcher” explicitly was excluded from the stipulated unit description which clearly and unambiguously included a list of job classifications and excluded “all other employees.”

Dated at Pittsburgh, Pennsylvania, this 17th day of June, 2015.

Respectfully submitted,

/s/ Margot Nikitas

Margot Nikitas  
Associate General Counsel

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<sup>1</sup> “HOR, pg. 13-14” refers to the Hearing Officer’s Report and Recommendations on Challenged Ballots, pages 13-14.

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### **CERTIFICATE OF SERVICE**

I certify that a true and correct copy of the foregoing EXCEPTIONS ON BEHALF OF PETITIONER UNITED ELECTRICAL, RADIO, AND MACHINE WORKERS OF AMERICA (UE), LOCAL 1177 TO THE HEARING OFFICER'S REPORT AND RECOMMENDATIONS ON CHALLENGED BALLOTS has been sent this 17th day of June, 2015, by email to Scott Gore, Counsel for the Employer, at [sgore@lanermuchin.com](mailto:sgore@lanermuchin.com); Shawn Ford, Counsel for the Employer, at [shawn.ford@renzenberger.com](mailto:shawn.ford@renzenberger.com); Patrick Calihan, Counsel for the Intervener, at [pcalihan@sbcglobal.net](mailto:pcalihan@sbcglobal.net); and Peter Sung Ohr, Regional Director of NLRB Region 13, via e-filing at [www.nlr.gov](http://www.nlr.gov).

/s/ Margot Nikitas